

REMARKS

The application has been amended. Claims 29, 31 and 32 have been amended. Reconsideration is respectfully requested.

The Examiner has rejected claims 27-36 under 35 U.S.C. §112, second paragraph, as being indefinite.

With respect to dependent claims 29, 31 and 32, the dependency thereof has been corrected so that proper antecedent basis is now provided for the recitation of "said spool". It is therefore respectfully submitted that this amendment obviates the Examiner's rejection. It is also pointed out that the amendment to claims 29, 31 and 32 is being made in order to overcome a non-prior art rejection in order to more appropriately clarify the claims and to correct an apparent typographical error.

The Examiner has objected to claim 27, stating that the limitation "said closed position" in lines 8 and 9 lacks sufficient antecedent basis. This determination is respectfully traversed.

Applicant submits that in claim 27, at line 6, sufficient antecedent basis is provided for the subsequent recitation of said closed position. More particularly, claim 27 recites at lines 5 and 6 "an occluding device movably supported within said transverse bore of said body for movement between a closed position" It is respectfully submitted that this phrase provides sufficient antecedent basis for the subsequent recital of said closed position. Reconsideration is respectfully requested.

Independent claim 27 stands rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,356,394 to Farley et al. (hereinafter "Farley"). This determination is respectfully traversed.

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The Examiner contends that Farley teaches all of the claimed subject matter. The Examiner refers to Figures 1 and 2 of Farley.

The present invention as set forth in claim 27 provides a self-occluding catheter. The catheter includes a body portion having an inlet conduit, an outlet conduit, and a transverse bore in fluid communication with the inlet conduits. An occluding device is movably supported within the transverse bore of the body for moving between a closed position occluding the inlet and outlet conduits and an open position opening the inlet and outlet conduits. A biasing device resiliently biases the occluding device in the closed position. The occluding device is movable against the resilient bias by pressure applied by a fluid being passed through the inlet and outlet conduits.

The Examiner states that Farley teaches all the claimed subject matter. The Examiner further contends that the device of Farley has an inlet and an outlet, a transverse conduit with a spring-biased occluding member. This is not disputed. However, the Examiner has failed to point out anywhere in the Farley reference where it is the fluid pressure which moves the occluding device from a closed to an open position.

It is incumbent on the Examiner in offering an anticipation rejection to point out where in the four corners of the reference the claimed subject matter can be found. It is an axiom of patent law that in order for a reference to be anticipatory, each and every element set forth in the claims must be found in the single cited reference. The Examiner has failed to point out where the Farley device relies on fluid pressure to move the occluding device from a closed to an open position, a limitation which is clearly set forth in claim 27 of the present invention.

Moreover, at column 4, lines 4-22 of Farley, the operation of moving the occluding device from the closed position to the open position is shown and described. Farley requires

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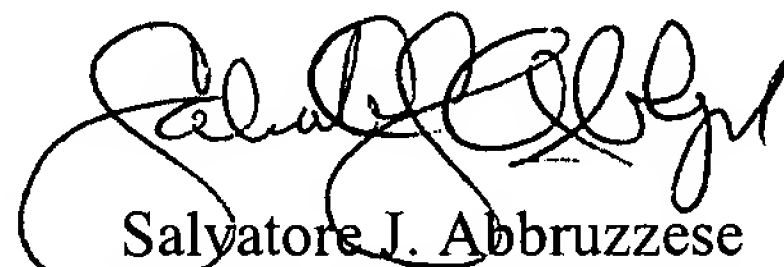
insertion of an instrument to contact the occluding ball, thereby overcoming the biasing means and placing the valve in an open position. The instrument 56 is shown in dotted lines in Figure 2.

Since Farley fails to clearly show the occluding device being movable from a closed position to an open position against a resilient bias upon application of fluid pressure between the inlet and outlet conduits, Farley, as a matter of law, cannot be anticipatory of claim 27. Therefore, it is respectfully submitted that claim 27 and claims 28-36 which depend therefrom are patentably distinct over Farley.

The remaining references of record have been reviewed and neither singly nor in combination with Farley do the references anticipate or render obvious the claims of the present invention. It is respectfully submitted that the application, including claims 27-36, is in condition for allowance. Favorable action thereon is respectfully solicited.

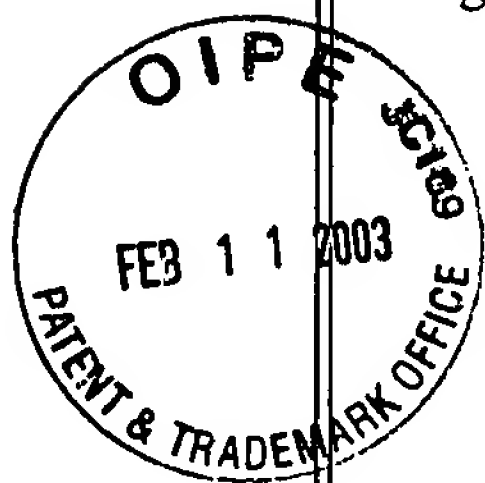
Should the Examiner have any questions regarding this submission, please contact the undersigned counsel at the telephone number below.

Respectfully submitted,


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VERSION OF AMENDMENT WITH MARKING
TO SHOW CHANGES MADE

IN THE CLAIMS:

29. (Amended) The self-occluding catheter as defined in claim [27] 28, wherein said spool is magnetically charged and said biasing device including a magnet fixed adjacent said spool, said magnet generating a magnetic force for resiliently urging said spool to said closed position.

31. (Amended) The self-occluding catheter connector as defined in claim [27] 28, wherein said biasing device comprises a spring positioned adjacent said spool for spring biasing said spool to said closed position.

32. (Amended) The self-occluding catheter connector as defined in claim [27] 28, wherein said spool comprises a cylindrical member having two opposite end portions and a central portion, said end portions having two opposite end portions and a central portion, said end portions having a diameter slightly less than the diameter of said transverse bore for providing a close sliding relationship between said end portions and said transverse bore, said end portions simultaneously blocking said inlet and outlet fluid conduits when said spool is in said closed position, and said central portion having a smaller diameter than said end portions for permitting flow around said spool when said spool is in said open position.

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